

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Case No. 3:07-CR-003
District Judge Thomas M. Rose

JAMES R. FOWLER,

Defendant.

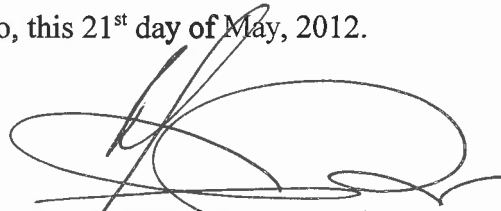
ORDER

This matter comes before the Court for consideration upon Defendant's Pro Se Motion to Modify Pursuant to 18 U.S.C. 3582(c)(2) (doc. 34) filed on March 21, 2012, and upon Government's Response in Opposition (doc. 36) filed April 30, 2012.

Defendant requests that his sentence be modified pursuant to the implementation of the recent guideline amendment to the Fair Sentencing Act. Upon review, the Court finds Defendant's Motion to be not well taken and the Court **DENIES** the same.

The Defendant fails to meet the eligibility requirements for application of the new Fair Sentencing Act guideline. At the time of sentencing the Defendant was determined to be a career offender pursuant to United States Sentencing Guideline §4B1.1 and that guideline was used to calculate his base offense level not the crack guideline. Accordingly, this Court finds that Defendant's previously imposed sentence of 100 months is proper, reasonable, and appropriate.

DONE and **ORDERED** in Dayton, Ohio, this 21st day of May, 2012.



THOMAS M. ROSE JUDGE
UNITED STATES DISTRICT COURT